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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,631

09/29/2004

Arthur I. Watson

68.0417

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35204

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05/04/2009

SCHLUMBERGER RESERVOIR COMPLETIONS
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EXAMINER

FULLER, ROBERT EDWARD

ART UNIT

PAPER NUMBER

3676

NOTIFICATION DATE

DELIVERY MODE

05/04/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/711,631

Applicant(s)

WATSON ET AL.

Examiner

ROBERT E. FULLER

Art Unit

3676

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Jennifer H Gay/
Supervisory Patent Examiner, Art Unit 3676

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments are not persuasive, for the following reasons:

With respect to claim 1, as argued on Page 16 of the July 10, 2008 Office Action, Shaw discloses a connection in which the shafts are effectively affixed, since the motor housing and protector housing are fixed together, which would prevent the shafts from being pulled apart. Examiner believes that applicant has never fully responded to this argument.

With respect to claim 16, examiner respectfully disagrees that applicant has defined the term the "wellbore location" in the specification. Applicant cited paragraphs 27 and 41 as containing this definition, however, examiner was unable to find the phrase "wellbore location" in those paragraphs or anywhere in the specification, for that matter. Paragraph 25 contains the phrase "surface location," but this is different from a "wellbore location," which examiner maintains could comprise any location both within and outside of the well. Therefore, examiner maintains the rejections of this claim set forth in the previous Office Action.

With respect to claim 26, examiner maintains the argument that the language that the angle "corresponds" with an angle at which the motive unit is positioned during filling is broad and is met by Shaw. How does the angle correspond? The angles could correspond in any way, not necessarily being equivalent. The fact that Shaw's holes are at different angles is immaterial, since all of the angles could "correspond" in different ways to the angle of filling. They just have to correspond in some way, which seemingly could be arbitrary. Claim 26 as written does not overcome Shaw.

With respect to claim 39, examiner maintains the position that if some portion of the terminal block is spring-biased, then Shilman discloses a spring-biased terminal block.

With regard to claim 43, examiner maintains the arguments made on Page 16 of the January 16, 2009 Office Action, that one of ordinary skill would not have been dissuaded from simply substituting a press-fit connection for a keyed connection. Applicant has not set forth any new reasoning to rebut examiner's January 16 remarks.

With regard to claim 51, examiner maintains the position that Du's vent passageway can be called a bubble sump. It is not necessary for Du to actually use the term "bubble sump" in his disclosure. The fact remains that Du's apparatus maintains released gases in a dedicated volume (i.e. inside the vent passageway 88 while the relief valve remains closed), and Du also discloses a relief valve system 94. Applicant argues that Du discloses "different structure" than what is claimed, however, examiner respectfully asserts that very little structure is actually claimed. A "bubble sump" and a "relief valve system" appears to be the only structure claimed, and there is little structure implied by the phrase "bubble sump."

With respect to applicant's seasonal traversal of all taking of Official Notice, respectfully, examiner has provided evidence along with each taking of Official Notice. Applicant has challenged each rejection, setting forth reasons why one of ordinary skill would not combine the cited evidentiary references with the base references. Examiner respectfully asserts that the evidentiary references are not being combined with the base references in the manner of a typical rejection under 35 U.S.C. 103, but are merely provided as teachings of the simple equivalency of different types of connections between shaft ends, or journal bearing sleeves, or whatever the case may be. As to whether the base references would be "destroyed" by simple substitution of a different type of shaft connection or journal bearing connection, examiner respectfully rejects any of these assertions, and maintains that the simple substitution of one type of connection for another would not appreciably affect the operation of any of these devices.